
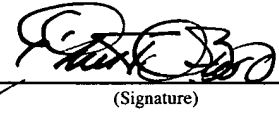


JBW

AMENDMENT TRANSMITTAL LETTER				ATTORNEY'S DOCKET NO.: 0040-6			
SERIAL NUMBER: 10/806,533		FILING DATE: Simon P. Bush et al.		EXAMINER: March 23, 2004		GROUP ART UNIT: 2874	
INVENTION: LOW PROFILE SYSTEM FOR JOINING OPTICAL FIBER WAVEGUIDES INVENTOR(s): Simon P. Bush et al.							
TO THE ASSISTANT COMMISSIONER FOR PATENTS: Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.							
CLAIMS AS AMENDED							
(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) NO. OF EXTRA CLAIMS PRESENT	(6) RATE	(7) ADDITIONAL FEE	
TOTAL CLAIMS	30	MINUS	43	0	X \$25	0.00	
INDEP. CLAIMS	2	MINUS	3	0	X \$100	0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0.00	
<p>* If the entry in column 2 is less than the entry in column 4, write "0" in column 5. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space. *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.</p> <p><input checked="" type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> Charge \$ _____ to Deposit Account No. _____. A triplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> The undersigned petitions for any extension of time for filing this document required under 37 C.F.R. 1.136 and requests that the \$ _____ fee be charged to Deposit Account No. _____. A triplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> Charge any additional fees to Deposit Account No. 01-1125</p>							
November 18, 2005 Date			 Signature				
			Ernest D. Buff Attorney Name				
(908) 901-0220 Phone			25,833 Reg. Number				
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on <u>November 18, 2005</u>							
				 (Signature)			
				Ernest D. Buff Attorney of Record			
				November 18, 2005 (Date)			



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Simon P. Bush Group Art Unit: 2883
Serial No.: 10/806,533 Examiner: Tran N. Nguyen
Filed: March 23, 2004
For: **LOW PROFILE SYSTEM FOR JOINING OPTICAL FIBER
WAVEGUIDES**
Docket No.: 0040-6

Morristown, N.J. 07962
November 18, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action dated October 17, 2005, 2005, the following remarks are filed.

The Examiner has required restriction under 35 U.S.C. § 121 between the following inventions:

- I. Group I. Claims 1-30, drawn to a system for joining two optical fibers along common axis by fusion splicing, classified in class 385, subclass 96; and
- II. Group II. Claims 31-43, drawn to a method for joining two optical fibers along a common axis including the steps of removing coatings present thereon and cleaving the ends of the fibers in said holding means; and fusing said fibers by electric arc welding, classified in class 385, subclass 116.

In response to the restriction requirement, applicants elect, with traverse, the invention of Group I, claims 1-30, for further prosecution on the merits.

Reconsideration of this restriction requirement is respectfully requested. The Examiner has stated that the inventions are distinct, each from the other because of the following reasons: Inventions

in Groups I and II are related as process of making and product made. According to the test applied by the Examiner, the inventions are distinct if either or both of the following can be shown: (1) the process for using the product, as claimed, can be practiced with another materially different product or (2) that the product as claimed can be used in a materially different process of using that product. MPEP § 806.05(h). The Examiner has indicated that the inventions, as grouped are separate and distinct because (i) the Invention of Group I can be practiced for shaping an optical fiber end to produce a pigtailed fiber-lens rather than for joining two optical fibers, as called for by claims directed to the Invention of Group II; and (ii) the invention of group I can be practiced using different steps than those called for by claims directed to the invention of Group II, such as the step of arranging the optical fiber(s) in holding means prior to the step of removing the coating means. Yet the relationship between (i) the system and the method for joining two optical fibers by fusion splicing is an interdependent one, there being the same physical and procedural concepts in the broad aspect of the invention

It is well established that applicants should be allowed reasonable latitude in claiming their invention, provided they do not unduly multiply the claims, which is not the case here. Ex parte Seiback 151 U.S.P.Q. 62. It is submitted that the fields of search involved in examining the claims as grouped would, as a practical matter, be essentially co-extensive and the best interests of the public would be served by having all of the claimed subject matter in the same application.


Accordingly, reconsideration of the restriction requirement is respectfully requested.

The Examiner has also required applicants to elect a single disclosed species for prosecution on the merits, to which the claims shall be restricted if no generic claim is finally held to be allowable. This election of species requirement has been imposed under 35 USC 121.

In response to the election of species requirement, applicant elects the species of Figure 1. Claims 1 to 30 read on the elected species. Applicants note with appreciation that claims 1-30 stand allowed.

In view of the election taken herein, the allowance of claims 1-30, and the remarks set forth above, it is submitted that this application remains in allowable condition. Accordingly, allowance of the application is earnestly solicited.

Respectfully submitted,
Simon P. Bush

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